

ADM-11.37, "Workplace Violence," April 1, 2008

SCDC POLICY/PROCEDURE

NUMBER:ADM-11.37

TITLE:WORKPLACE VIOLENCE

ISSUE DATE: April 1, 2008

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-11.37 (July 1, 2004)

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS:NONE

STATE/FEDERAL STATUTES:NONE

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

THESE PROCEDURES DO NOT APPLY TO INCIDENTS OF INMATE VIOLENCE. REFER TO SCDC POLICY/PROCEDURE OP-22.14, "INMATE DISCIPLINARY SYSTEM," FOR MORE INFORMATION REGARDING INMATE VIOLENCE.

PURPOSE: To establish guidelines for preventing, reporting, responding to, and training on workplace violence.

POLICY STATEMENT: The South Carolina Department of Corrections is committed to managing Agency facilities in a manner that permits employees to perform their duties in an environment free from threatening and violent behavior by other employees. The Agency expects all employees to interact in ways that promote cooperation and mutual respect.

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SPECIFIC PROCEDURES:

1. PREVENTION:

1.1 The South Carolina Department of Corrections is committed to managing Agency facilities in a manner that permits employees to perform their duties in an environment free from threatening and violent behavior by other employees.

1.2 The Agency will ensure that all new employees receive training in workplace violence prevention, standards of conduct, and ethical behavior during initial orientation and on an annual basis thereafter. The Division Director Training will ensure that this training is developed, is provided to new employees, and is scheduled on an annual basis for all employees.

1.3 The Division of Human Resources will ensure that information relevant to issues of workplace violence, standards of conduct, and ethical behavior is periodically published in the Agencys newsletter and made available to employees through the use of posters, pamphlets, bulletin boards, and other avenues of distribution that are available.

1.4 Employees will be prohibited from making threatening or intimidating statements or engaging in threatening or intimidating behavior directed to another employee, supervisor, manager, vendor, customer, or client.

1.5 Employees will be prohibited from communicating with another employee, supervisor, manager, vendor, customer, or client by telephone, through electronic means, or in writing in any manner likely to cause the other person harm or with the intent to harm, threaten, intimidate, or alarm the other person.

2.SPECIALIZED TRAINING:

2.1 The Division Director of Training or designee will ensure that all employees receive training on emergency preparedness pursuant to SCDC Policy/Procedure OP-22.29, "Emergency Preparedness."

2.2 The Division Director of Training or designee will ensure that all Emergency Response Team members receive training pursuant to SCDC Policy/Procedure ADM-17.07, "Training Requirements for Emergency Response Teams."

3.REPORTING WORKPLACE VIOLENCE:

3.1 Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately.

3.2 All Agency employees who observe or experience violent, threatening, harassing, intimidating, or other disruptive behavior by Agency employees or other persons on Agency property or directed toward Agency employees have a duty and a responsibility to immediately report such behavior to their immediate supervisor, Division Director, Warden, and/or their designees. Any employee who fails to report such information may be subject to corrective action pursuant to SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action."

3.3 If the concern or complaint involves the employees direct supervisor, the employee may go to the next higher supervisor with the concern or complaint, or to the Division of Human Resources.

3.4 All supervisors/managers who have knowledge of an impending act of workplace violence have a duty and a responsibility to immediately warn the employee and to take all reasonable actions possible to prevent injury. The immediate supervisor, Division Director, Warden, and/or their designee will immediately notify the Chief, Employee Relations Branch and the appropriate member of the Director's Staff.

3.5 Incidents of workplace violence which constitute an emergency will be responded to pursuant to SCDC Policy/Procedure OP-22.29, "Emergency Preparedness."

3.6 In the event of a situation requiring immediate intervention by law enforcement personnel, the appropriate law enforcement agency should be contacted immediately by the appropriate Warden or Division Director or higher authority.

4. INVESTIGATION/REVIEW:

4.1 Investigations of incidents of workplace violence will be conducted by investigators from the Division of Investigations pursuant to SCDC Policy/Procedure GA-05.01.

5. AGENCY RESPONSE:

5.1 Support and Protection of the Victim:

5.1.1 All Agency employees who respond to a report and/or incident will treat the employee who reports/has been the target of workplace violence with respect and empathy. The employees safety and well being will be of paramount importance and the supervisor, Warden, Division Director, and/or their designees will take immediate precautions to ensure the safety of the employee, other employees, and the workplace. This may include, but is not limited to:

- Containment of the situation to the extent possible to minimize danger to the employee and other employees or escalation of the violence; and
- Notification to local law enforcement for assistance.

5.1.2 The employee will be given information on the Agencys Employee Assistance Program, Post Assault Information Resource Assistance (PAIR) Program, Workers' Compensation, and other resources that may be available to provide support. The employee will be encouraged to seek support from these resources.

5.1.3 The Division of Victim Services will provide the employee with the opportunity to register as a victim with the Agency if appropriate and will furnish information to the employee on other Victim Services programs that may be available.

5.2 Management Response:

5.2.1 SCDC Employees: SCDC employees who initiate and/or threaten workplace violence will be subject to corrective action up to and including their termination per SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action." SCDC employees who are alleged to violate state and/or federal law through initiation of or threatened workplace violence will be reported to the appropriate law enforcement agency. The Office of General Counsel will provide guidance during the investigation.

5.2.2 Outside Parties: Information on persons who are alleged to violate state and/or federal law through initiation of, or threat of, workplace violence on Agency property will be provided to the appropriate law enforcement agency. The Office of General Counsel will be consulted regarding what information should be provided to the law enforcement agency.

5.3 Evaluation of Security After a Threat:

5.3.1 The Chairperson of the WVAC/designee and the respective member of the Director's Staff will provide a debriefing to affected employees within 24-72 hours after a serious incident of workplace violence so that the cause of the violence and expectations can be discussed, a plan of action can be addressed, and those needing further counseling can be identified.

5.3.2 The Division of Security will review risks and determine what additional security measures if any, should be put in place after a threat.

6. DEFINITIONS: The following definitions are applicable throughout these procedures. Please note, however, that other definitions pertinent only to specific sections of these procedures are included throughout the text of the same.

Dangerous Weapon is any instrument or device primarily for use in inflicting death or injury upon a human being or which is capable of inflicting death or injury when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the individual intends to inflict intimidation, death, or injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, pistol, rifle, club, knife, etc.

Personal contact refers to an encounter in which two (2) or more persons are in visual or physical proximity to each other. Personal contact does not require physical touching or oral communication, although it may include these types of contacts.

Post Assault Information Resource (PAIR) Representative refers to an Agency employee trained to provide peer support and information to other employees who have experienced duty-related trauma.

Trauma refers to the results of an event that is outside the range of usual human experiences or an event for which one usually cannot prepare and which will most likely have a profound affect upon the life of the individual(s) involved.

Violence refers to any act which is intended to intimidate, annoy, or alarm another person; or any act which is intended to cause pain or injury to another; or any act which is intended to result in physical or personal contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

Workers' Compensation refers to a provision of the South Carolina Code of Laws, Workers' Compensation Act, that provides compensation (intended to replace lost income) to workers who are injured while performing work related duties or who suffer an occupational illness.

Workplace refers to any location considered property of the SCDC or the State of South Carolina, including property adjacent to an employees workstation or the route regularly traveled to reach ones workstation.

Workplace Violence Advisory Committee (WVAC) refers to SCDC employees who review incidents or threats of workplace violence.

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

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